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Comprehensive review of the whole question of peacekeeping operations in all their aspects

Letter dated 8 July 2014 from the Permanent Representatives of Australia and Uruguay to the United Nations addressed to the President of the General Assembly

We have the honour to write to you about the sixth workshop on the protection of civilians in United Nations peacekeeping operations, co-hosted by the Permanent Missions of Australia and Uruguay to the United Nations on 8 November 2013 in New York.

We consider that this was a very good opportunity to encourage an open, broad and constructive dialogue among Member States, peacekeepers from the field and the Secretariat about the policy, planning and preparedness issues in protecting civilians, as well as the additional steps that the Secretariat is continuing to take in order to improve the implementation of protection of civilians mandates.

A summary of the workshop discussion is attached (see annex). It describes briefly the main concerns, challenges and understandings raised by the various participants in this event.

We hope that this document will be helpful in discussions on these issues that could eventually take place in the General Assembly or its specialized body, the Special Committee on Peacekeeping Operations.

We request that the present letter and its annex be circulated to all Member States as a document of the General Assembly, under agenda item 53.

(*Signed*) Gary **Quinlan**

(*Signed*) Gonzalo **Koncke**

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Annex to the letter dated 8 July 2014 from the Permanent Representatives of Australia and Uruguay to the United Nations addressed to the President of the General Assembly

Sixth workshop on the protection of civilians in United Nations peacekeeping, New York, 8 November 2013

1. The Permanent Missions of Australia and Uruguay to the United Nations co-hosted a workshop on the protection of civilians in United Nations peacekeeping operations on 8 November 2013. The workshop provided a forum for an exchange of views among Member States, peacekeepers from the field and the Secretariat to examine the policy, planning and preparedness gaps, as well as to analyse the emerging threats, challenges and opportunities in peacekeeping missions where protection of civilians is a priority task. A list of the panellists is attached (enclosure I).

2. This was the sixth in an ongoing series of workshops on protection of civilians co-hosted by the Permanent Missions of Australia and Uruguay to the United Nations. Previous workshops were held in January 2009 (see A/63/722), January 2010 (see A/64/721), December 2010 (see A/65/698), February 2012 (see A/66/789) and June 2012 (a summary of the fifth workshop is attached as enclosure II).

Background

3. Protection of civilians has become an integral part of modern United Nations peacekeeping operations and efforts to enhance protection of civilians have been reflected in the mandating and reauthorization of nine peacekeeping missions. In addition, several resolutions adopted by the Security Council in 2013 have drawn special attention to efforts by peacekeeping missions to protect civilians, in particular:

- Resolution 2086 (2013), the first thematic peacekeeping resolution to recognize the importance of protection of civilians as a mandated task in multidimensional peacekeeping operations
- Resolution 2106 (2013), in which the Council reiterated the call for all predeployment and in-mission training of troop and police contributors to include training on sexual and gender-based violence, as well as the deployment of women protection advisers
- Resolution 2117 (2013), the first resolution on small arms and light weapons, in which the Council recognized that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons fuel conflict and have an impact on protection of civilians and the implementation of peacekeeping mandates
- Resolution 2098 (2013), in which the Council authorized the United Nations Organization Mission in the Democratic Republic of the Congo (MONUSCO) to take all necessary measures through its regular forces and a newly established intervention brigade to protect civilians, neutralize armed groups and monitor the implementation of the arms embargo, among other tasks

4. In response to requests by the Special Committee on Peacekeeping Operations and the Security Council, over the past five years the Secretariat has worked with

troop- and police-contributing countries to develop (a) an operational concept on protection of civilians; (b) a framework to support the development of mission-specific strategies; (c) a resource and capability matrix; (d) an analysis of coordination mechanisms on protection of civilians; and (e) operational- and tactical-level training materials to support peacekeepers. These significant efforts address some of the challenges identified in the seminal independent study on protection of civilians commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs in 2008.[a]

Session one
Assessing progress: closing the gaps in policy, planning and preparedness

5. At the first session the workshop examined the developments that had taken place to address the policy, planning and preparedness gaps on protection of civilians, focusing predominantly on the implementation of guidance and training that had been developed by the Secretariat to support peacekeeping missions to protect civilians as well as the recent establishment of a protection of civilians coordination team at Headquarters. The following key points were raised by panellists and workshop participants:

- **Effective and inclusive mission coordination mechanisms are crucial, and the most difficult ongoing challenge faced by missions is translating early warning into early response**. MONUSCO, for example, had established coordination mechanisms at several levels in the mission. That was also being supported by a package of innovative practices and tools, including a joint planning process (including with the host security forces), mission-wide processes to capture information on protection threats, and engagement with humanitarian protection actors to identify priority areas for protection.

- **Senior mission leadership is essential**. Mission leaders were best placed to mobilize resources and spearhead innovative approaches to protection. They were also well placed to identify different entry points within national institutions to enhance overall protection of civilians, and were often the only ones able to engage at the highest levels of government to mobilize rapid and coordinated responses to civilian threats.

- **Peacekeeping missions require an understanding of the threat as well as how to support communities**. Building networks within local communities was critical to such efforts. Community liaison assistants, community alert networks and joint protection teams in MONUSCO ensured that the mission could identify and understand the threats faced by communities and tailor its protection responses based on the needs of the local population. Those tools were established to bring civilian expertise to support military action for the protection of civilians through situational awareness and a focus on prevention through the development of community protection plans. The United Nations Mission in South Sudan (UNMISS) had examined many of the innovative approaches adopted by MONUSCO and was looking at ways to tailor them to the context in South Sudan.

[a] *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges* (United Nations publication, Sales No. E.10.III.M.1).

- **Protection of civilians advisers are effective**. In UNMISS, which presently had six protection of civilians advisers deployed, the advisers supported mission components to carry out the protection of civilians mandate and to mainstream protection of civilians throughout the missions, rather than actually undertaking protection. UNMISS had developed several mission-specific guidance documents, including standard operating procedures to implement the United Nations human rights due diligence policy and protection of civilians guidelines for when civilians sought protection at UNMISS bases, which had been a guidance gap.

- **Context-specific training is better**. The operational- and tactical-level training materials developed by the Department of Peacekeeping Operations provided several valuable scenarios for peacekeeping training centres and missions to draw on. However, coordination between the Integrated Training Service and Member States (through their peacekeeping training centres) could be further strengthened to improve the overall awareness about the training materials and support a more consistent and quality approach to protection of civilians training. Funding and sponsorship of peacekeeping training courses was an ongoing challenge.

Session two
Addressing emerging challenges: resolution 2098 (2013) and the future of protection of civilians in peacekeeping

6. At the second session the workshop analysed the threats, challenges and opportunities emerging from newly strengthened and protection of civilians-mandated peacekeeping missions, as well as the implications that the developments discussed at the first session would have for protection of civilians in peacekeeping. The second session focused primarily on MONUSCO and identified several concerns and lessons for future peacekeeping missions. The following key points were raised by panellists and workshop participants:

- **Context was everything**. A protection of civilians approach that was effective for one mission might not necessarily be effective for another.

- **The use of technology and greater use of radars would assist with improving overall situational awareness** and enhance a multitude of capabilities, potentially contributing to overall protection efforts and to enhancing the ability to identify threats to civilians and to respond quicker.

- **An ongoing challenge for missions was strengthening national ownership and leadership for protection of civilians**. In MONUSCO, an essential priority remained creation of a rapid reaction force (comprised of national forces) to enable a gradual takeover of some of the responsibilities of MONUSCO for security and protection of civilians. Further steps were also required by the Democratic Republic of the Congo under the Peace, Security and Cooperation Framework to address the root causes of the conflict by advancing key reforms, especially those aimed at bringing a lasting improvement in the security situation and living conditions of the local population.

- **There were concerns about the implications of the use of force through offensive actions by the MONUSCO Force Intervention Brigade, and the approach presented opportunities as well as risks**. The Brigade had been an effective mechanism for MONUSCO to clearly enable offensive military operations and to seize the initiative by taking a proactive and pre-emptive stance. The threat of force, and not just its use, was enabling the mission to gain the psychological edge, resulting in a changed dynamic on the ground and improving overall efforts to provide protection to civilians in eastern Democratic Republic of the Congo. It was also enabling more leverage over the national forces and influencing their behaviour, and building capacity to protect the civilian population.

- **The Force Intervention Brigade also presented risks**, including of civilian harm in the conduct of operations, or of retaliation by the armed groups against MONUSCO and the civilian populations. Also, where the mission was perceived as a party to conflict, there was a risk that humanitarian actors working alongside it would not be perceived as neutral, impartial and independent, which could undermine their access to communities. Thus, a more visible distinction between the mission and humanitarian actors might be needed. The more robust the posture, the more perception became an issue.

- **The establishment of the new United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) had raised similar questions regarding the use of force in a hostile environment where peacekeepers were confronted with asymmetric threats and terrorist activity**. Threats such as these and the significant proliferation of small arms presented emerging challenges for peacekeepers that were mandated to protect civilians.

- **Despite recent successes in MONUSCO, the expectations of the civilian population needed to be managed, and mission coordination structures remained essential to ensure consistency across the mission**.

Conclusions

7. There had been great strides on protection of civilians over the past five years, particularly as regards the normative framework. However, challenges and gaps remained, and ongoing attention was required to support continued efforts to assist peacekeeping missions to protect civilians, particularly in areas such as lessons emerging from best practice in the field (including through the use of protection of civilians advisers), host country ownership and leadership, and engaging senior leadership on protection of civilians priorities. In particular, there needed to be a collective improvement in responding to protection of civilians threats, predominantly through the provision of resources and capabilities, both at Headquarters and in the field. It was the consensus of the workshop that all protection of civilians stakeholders needed to focus on the effectiveness of mission in the field in order to bring about change for local populations.

Enclosure I

Programme of the workshop and list of participants

Opening and welcome

- Gary Quinlan, Ambassador and Permanent Representative of Australia to the United Nations
- José Luis Cancela, Ambassador and Permanent Representative of Uruguay to the United Nations

Session one
Assessing progress: closing the gaps in policy, planning and preparedness

Panellists:

- Leila Zerrougui, Special Representative of the Secretary-General for Children and Armed Conflict; Former Deputy Special Representative of the Secretary-General, MONUSCO
- Robert Kabage, Director, International Peace Support Training Centre, Kenya
- Damian Lilly, Senior Protection of Civilians Adviser and Coordinator, UNMISS

Discussant:

- Eiko Ikegaya, Deputy Chief, Policy and Best Practices Service, Department of Peacekeeping Operations

Session two
Addressing emerging challenges: resolution 2098 (2013) and the future of protection of civilians in peacekeeping

Panellists:

- Adrian Foster, Deputy Military Adviser, Department of Peacekeeping Operations
- Masood Khan, Ambassador and Permanent Representative, Permanent Mission of Pakistan to the United Nations, Chair of the Security Council Working Group on Peacekeeping Operations
- Hansjoerg Strohmeyer, Director, Policy Development and Studies Branch, Office for the Coordination of Humanitarian Affairs

Enclosure II

Fifth workshop on the protection of civilians in peacekeeping operations, New York, 13 June 2012

1. The Permanent Missions of Australia and Uruguay to the United Nations and the International Peace Institute co-hosted a half-day workshop entitled "Protection of civilians in peacekeeping operations: capacity-building and transitions" on 13 June 2012. The month of June 2012 was an important one for the protection of civilians agenda in the United Nations, with the release of the latest report of the Secretary-General on protection of civilians in armed conflict and an open debate on the topic in the Security Council on 25 June. Ahead of that important debate, the half-day workshop gathered a range of actors, including practitioners, United Nations officials, representatives of host Governments and humanitarian and civil society organizations to explore some of the key issues related to efforts to strengthen the long-term capacity of host countries to protect civilians. The two panels of the workshop focused on the experiences in Haiti, Liberia and the Democratic Republic of the Congo. The workshop was the fifth of the series co-hosted by the Permanent Missions of Australia and Uruguay, which began in January 2009.

Background

2. Improving the protection of civilians by United Nations peacekeeping operations has been the focus of much research, debate and work in recent years. In this context, the Secretary-General has identified a core remaining challenge as "proactive, well-trained and appropriately resourced peacekeepers who can use a full spectrum of tools — military, police, justice, corrections and human rights — in a cohesive fashion". As efforts progress to equip peacekeeping missions with the proper resources, tools and guidance to better protect civilians, comparatively little consideration has been given by the protection of civilians community to the second part of this core challenge identified by the Secretary-General, namely that "peacekeeping missions and other partners must continue to strengthen national institutions so that they are able to discharge their primary responsibility for enhancing security and the rule of law by the time the mission leaves".

3. As the Secretary-General points out, the protection of civilians activities of the United Nations are broad in scope and must be thought of as including efforts to support the host Government to fulfil its responsibility for protecting civilians. A peace operation cannot exist forever, and protection of civilians will be sustained in the long run only through strengthening national capacities and legitimate institutions. Recent research, however, suggests that building such capacity (in the form of transformed institutions that are effective, trusted and resilient) is a more difficult and much longer process than previously understood, requiring at least a generation to be successful.

4. In this effort, the United Nations, even with its numerous offices, agencies and programmes, is only one actor among many others. Capacity-building efforts, especially in areas such as security sector reform and the rule of law, involve an array of stakeholders: bilateral donors, non-governmental organizations and humanitarian actors, regional organizations and, most importantly, the host country, its Government, its civil society and its people. Ensuring national ownership,

coherence and common purpose in this context are significant challenges. At present, with a number of United Nations peacekeeping mission drawdowns or reconfigurations expected in the near future, ensuring protection of civilians in the medium to long term is particularly critical.

Session one
Building capacities for sustainable civilian protection: strengthening national institutions

5. At the first session the workshop focused on strengthening the capacity of national institutions to protect civilians. All panellists recognized that the protection of civilians was the primary responsibility of the host Government. In order to make protection of civilians sustainable, therefore, the panellists argued for the need to focus on the long-term challenges of building the host countries' capacities to protect civilians. However, this should be done without diminishing the importance of the immediate protection of civilians tasks of the mission. In the case of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUSCO), those efforts were prioritized as follows: first, to reduce and, to the extent possible, eliminate the threat that armed groups represented to the protection of civilians; and second, to support building the capability of State institutions to deal with whatever threat remained. The need to bridge the gap between those two tasks — immediate threats to the protection of civilians and contributing to building national institutions — was underscored. The mission could help bridge the gap by actively working hand in hand with national institutions while responding to immediate threats to the protection of civilians. That required strong coordination between the police, military and civilian capacities of the mission, as well as a continued focus on ensuring that peacekeepers were prepared with the proper training and guidance to undertake that role.

6. Tasks such as security sector reform, disarmament, demobilization and reintegration and the strengthening of rule of law institutions were central to the protection of civilians in the long term. However, as one panellist noted, often in such post-conflict contexts, the problem with the national security sector was not a lack of capacity to employ force, but a lack of oversight mechanisms to control its use. In such countries, the security sector was originally created in order to protect the regime in power, rather than to serve the people. The institutions were never part of an organic social contract with the population, and because the shadow of that legacy still existed, there was a need not to reform the institutions, but to transform them. The international community must help establish mechanisms for governance and oversight of the security sector. That would help ensure that the civilian population had confidence in the security sector, a point also emphasized at session two in the context of Haiti. The panellists stressed the role of the leadership in promoting the concept of protection of civilians. The military needed to have professional officers who had the right outlook and approach. The Liberian national police provided an example of their attempt to increase professionalism by increasing the number of college graduates in the police force and excluding those who were committing crimes.

7. National police played a particularly important role in protecting civilians. In the Democratic Republic of the Congo, training and mentoring the national police as well as the armed forces was the cornerstone of the strategy to ultimately replace the functions of the United Nations mission there. Yet, to support that capacity more

needed to be done to ensure that peacekeeping missions had the right kind of skill sets to undertake such training and mentoring. Deployable civilian capacity, as well as experts who had the ability to transfer skills as trainers, were vital. South-South cooperation could play a key role where, for example, the States of the region had relevant capacities, including an understanding of the context, as well as linguistic skills.

8. Panellists and participants stressed that women's participation in the missions as well as in the security sector was critical, as women brought distinctive perspectives and skills, acted as role models and were best placed to engage with much of the population. The national police also needed to improve how they focused specifically on the protection of women. In Liberia, specialized police units that included women and children sections and gender sections as well as community watch teams had positive impacts on the protection of civilians. Participants argued that there was a need to share best practices between missions. Inspired by Liberia, MONUSCO was planning its own all-female police contingent. Liberia was also a role model for women's leadership and inclusion in the security sector, and the Democratic Republic of the Congo now had its first female Minister of Justice.

9. The panellists further highlighted the importance of an integrated and holistic approach to United Nations support to institution-building. This included support to both the economic and social infrastructure, such as the building of roads that would enable protection of civilians, as well as the expansion of telecommunications networks to strengthen community alert systems. Increased outreach and contact with the local population would also lead to a better understanding of local protection challenges. In both the United Nations Mission in Liberia (UNMIL) and MONUSCO, programmes had been developed to ensure effective communication with the local population, but there was still room for improvement.

10. Panellists were asked about the challenges to making the security sector more legitimate, particularly with regard to the integration of former combatants into the army or police. In both the Democratic Republic of the Congo and Liberia, the panellists admitted that integration produced as many problems as solutions and the way in which the process took place might need serious rethinking. It was again suggested that a social contract should be negotiated to help transform the mentality of the security sector and to develop a common vision for their society.

11. The discussion highlighted the wide range of actors involved in such work beyond peacekeepers, including United Nations funds and programmes, bilateral and regional partners and civil society organizations. Coordination between those actors and an effective dialogue with the host country was pivotal and still needed to be improved. The panellists expressed the hope that those efforts would have an impact with regard to more effective partnerships beyond the lifespan of the mission. The need to have consistent and predictable funding and ongoing dialogue with partners to support financing of programmes was also noted. Such consistent dialogue was essential to resolving the fundamental tension between the relatively short-term lens of peacekeeping and the long-term need for the protection of civilians.

Session two

Building capacities for sustainable civilian protection: towards transition in Haiti

12. The second panel focused on the specific challenges of building capacities for sustainable civilian protection in Haiti. Two areas of national institution-building were given special attention: strengthening the capacity of the national police to provide physical protection; and strengthening the rule of law, the judiciary and civil administration systems to protect legal and human rights and to contribute to overall stability.

13. At present, sexual and gender-based violence was still one of the main physical threats to civilians. The large number of internally displaced persons living in temporary camps contributed to the high levels of sexual and gender-based violence and in the aftermath of the earthquake, not enough was done to ensure that camps were designed with the protection of civilians in mind.

14. The Haitian national police, for its part, had never developed a culture of protection of civilians. A change of mindset, whereby all officers would take sexual and gender-based violence equally seriously, was needed and was slowly being implemented. The national police was in the process of creating a specialized unit to respond to violence against women, and the United Nations Stabilization Mission in Haiti (MINUSTAH) had provided strong support in that regard. In general, MINUSTAH had a better image within Haiti than was assumed, and the cooperation between the Haitian national police and United Nations police had been very positive. The Haitian national police continued to take on a greater role in protecting civilians in Haiti. Immediately following the earthquake of January 2010, the police force was said to be the only functioning entity of the Government, yet it was still no match for the challenge it faced. Crime rates after the earthquake, which had initially increased (owing in part to the escape of thousands of prisoners from the main prison), had steadily decreased as the capacity of the Haitian national police had improved. However, the effective protection of civilians was still hampered by the lack of access to justice, coupled with a relatively low level of confidence in the security institutions. To address the latter, MINUSTAH had played an important role in providing support to the national police, and it had been suggested that the United Nations should be tasked with helping facilitate a new social contract between Haitian security institutions and the Haitian people.

15. The most persistent challenge to the sustainable protection of civilians in Haiti continued to be a stark lack of capacity in the justice and corrections systems. Many cases of sexual and gender-based violence were not reported to the police, and even fewer made it to trial. In one analysis, 640 cases of reported violence were tracked and not one was seen to have made it through to the sentencing phase of a trial. Prisons were few, notoriously overcrowded and filled primarily with those still awaiting trial. Therefore, the Haitian people continued to distrust the security institutions as a whole. As the head of the Haitian national police stated, "without progress on the judicial system, Haiti will go nowhere".

16. Access to land and ambiguity about land ownership were also major concerns in Haiti. About 420,000 internally displaced persons were still living in 600 makeshift settlements, many on private land. That figure was down from a high of 1.5 million following the earthquake, but the remaining group continued to be the most vulnerable. In addition to the prevalence of sexual and gender-based violence cited above, the lingering presence of internally displaced persons had led in recent

months to an increasing number of forced evictions by landowners, often with violence. The United Nations Human Settlements Programme was working with the Ministry of Land and Reconstruction to promote land reform, but the issue of internally displaced persons and land rights in general remained a particularly vexing challenge. In particular, the laws had been amended so often that it was not uncommon for several people to hold a title for the same piece of land.

17. In that connection, the panellists also highlighted the need for the international community to support the work on improving civil administration. In Haiti more than 30 per cent of the population lacked birth registration, which led to their being cut off to a large degree from the State and denied many basic civil rights. Those issues shed light on the need for a comprehensive effort to strengthen all parts of national institutions, including civil rights and administrative systems.

18. Given the remaining challenges facing civilians in Haiti and the vast needs of its national institutions, it was emphasized by all panellists that any transition undergone by MINUSTAH needed to be reasonable, realistic and careful. Following the withdrawal of the post-earthquake surge capacity, there must be a well-considered consolidation plan that was realistic both in its assessment of the state of the Haitian security, justice and civil administration institutions, as well as in terms of the time and effort that would be required to ensure that those institutions were capable of protecting all Haitian civilians once MINUSTAH had come to an end.

Conclusion

19. Regarding transitions, it was clear that the planning for full handover of protection of civilians responsibilities needed to begin very early, given the long-term commitment needed to build the capacity of rule of law and security institutions. The process should emphasize national capacity development, and there needed to be broad national ownership as well as strong coordination with bilateral, regional and multilateral partners. Transition processes therefore needed to allow for flexibility and be adaptable to change along the way. In the end, there was still a need for more information and analysis on how to measure the readiness of rule of law and security institutions to assume full responsibility for the protection of civilians.

Attachment

Programme of the fifth workshop and list of participants

Welcome: Adam C. Smith, Research Fellow, International Peace Institute

Session one
Building capacities for sustainable civilian protection: strengthening national institutions

Chair: Gary Quinlan, Ambassador and Permanent Representative of Australia to the United Nations

Presenters:

- Roger Meece, Special Representative of the Secretary-General, MONUSCO
- Rose Stryker, Deputy Police Director for Administration, Liberia national police

Discussant:

- Adedeji Ebo, Chief, Security Sector Reform Unit, Department of Peacekeeping Operations

Session two
Building capacities for sustainable civilian protection: towards transition in Haiti

Chair: José Luis Cancela, Ambassador and Permanent Representative of Uruguay to the United Nations

Presenters:

- Mario Andresol, Chief, Haitian national police
- Vincent Cochetel, Regional Representative, United States and the Caribbean, Office of the United Nations High Commissioner for Refugees
- William Gardner, Integrated Operational Team Leader for Haiti, Department of Peacekeeping Operations